



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

13

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BOX PCT  
Washington, D.C. 20231

09/446,808

US APPLICATION NO. 09/446,808

KUPFER

J. ATTY. DOCKET NO. 121-15

5611

INTERNATIONAL APPLICATION NO. PCT/JP98/01797

STEVEN J HULTQUIST  
INTELLECTUAL PROPERTY TECHNOLOGY LAW  
PO BOX 14329  
RESEARCH TRIANGLE PARK NC 27709

I.A. FILING DATE

PRIORITY DATE

06/24/99 06/24/97

10/06/00

DATE MAILED:

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

1. ☐ Applicant's letter of express abandonment received \_\_\_\_\_ is in compliance with 37 CFR 1.138 and is hereby acknowledged.
2. ☐ Applicant has failed to provide the full U. S. Basic National Fee by ☐ 20 months (37 CFR 1.494 (b)(2)), ☐ 30 months (37 CFR 1.495 (b)(2)).
3. ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 23 Feb 2000 within the time period set therein.
4. ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein. See the attached NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
5. ☐ Other:

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Telephone: (703)

305-3661

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****23448**

PATENT TRADEMARK OFFICE

**In re United States Patent Application of:****Applicant: KÜPPER, et al.****Application No: 09/446,808****Date Filed: 23 December 1999****Title: MAMMAL WITH INHIBITION OF THE  
POLY (ADP RIBOSE) POLYMERASE  
AND METHOD FOR USING SAME TO  
IDENTIFY CANCERIGENIC AGENTS****Examiner: Not Yet Assigned****Group Art Unit: Not Yet Assigned****EXPRESS MAIL CERTIFICATE**

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified below, in an Express Mail envelope addressed to the Commissioner for Patents, Box PCT, Washington, DC 20231, and First Class Mailed under the provisions of 37 CFR 1.10.

Lee Ann Brown

July 21, 2000

Date of Mailing

EL569017035US

Express Mail Certificate

**RECEIVED**  
01 NOV 2000  
Legal Staff  
International Division**SUBMISSION OF DECLARATION AND POWER OF ATTORNEY AND ASSIGNMENT IN  
RESPONSE TO FEBRUARY 23, 2000 NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN U.S. PATENT APPLICATION NO. 09/446,808**

Commissioner for Patents  
Box Assignments  
Washington, D.C. 20231

Sir:

In response to the February 23, 2000 Notification of Missing Requirements, enclosed and submitted herewith are the following executed documents: Declaration and Power of Attorney and Assignment.

A check in the amount of \$720.00 is enclosed, including the \$40.00 assignment recordation fee for the enclosed Assignment document in favor of Deutsches Krebsforschungszentrum Stiftung Des Öffentlichen Rechts, and the \$680.00 surcharge for delayed filing of the oath or declaration. Please

charge any deficiency in payment and credit any excess payment to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

Respectfully submitted,



Steven J. Hultquist  
Registration No. 28,021  
Attorney for Applicants

**INTELLECTUAL PROPERTY/  
TECHNOLOGY LAW**  
P.O. Box 14329  
Research Triangle Park, NC 27709  
Tel: (919) 419-9350  
Fax: (919) 419-9354  
Attorney Ref.: 4121-115



\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

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4121-115  
PATENT APPLICATION**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re United States Patent Application of:****Applicant:** KÜPPER, et al.**Application No:** 09/446,808**Date Filed:** 23 December 1999**Title:** MAMMAL WITH INHIBITION OF THE  
POLY (ADP RIBOSE) POLYMERASE  
AND METHOD FOR USING SAME TO  
IDENTIFY CANCERIGENIC AGENTS**Examiner:** Not Yet Assigned**Group Art Unit:** Not Yet Assigned**RECEIVED**  
01 NOV 2000Legal Staff  
Patent Division**FAX FILING CERTIFICATE**

I hereby certify that I am transmitting the attached documents to the Commissioner for Patents on October 26, 2000, by facsimile transmission addressed to the Commissioner for Patents, Box PCT, Washington, DC 20231, Attention: Anita Johnson, and sent to USPTO facsimile number (703) 305-3230.

  
Steven J. Hultquist**URGENT - PLEASE IMMEDIATELY HAND DELIVER TO ANITA JOHNSON  
(TELEPHONE 305-3661); TOTAL NO. OF PAGES: 13****REQUEST FOR WITHDRAWAL OF ERRONEOUS ISSUE OF NOTIFICATION OF  
ABANDONMENT, BASED ON TIMELY FILING OF RESPONSE TO FEBRUARY 23, 2000  
NOTIFICATION OF MISSING REQUIREMENTS IN U.S. PATENT APPLICATION NO.  
09/446,808**Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231

Sir:

In response to the October 6, 2000 Notification of Abandonment erroneously issued in U.S. Patent Application No. 09/446,808, and consistent with the teleconference between the undersigned attorney and Anita Johnson on October 26, 2000 in resolution thereof, enclosed herewith are copies of all documents filed in the U.S. Patent and Trademark Office on July 21, 2000 in response to the February 23, 2000 Notification of Missing Requirements, including:

- the return postcard, stamped by the USPTO with the legend, "RECEIVED 2000 JL 21 AM 9:39 OPR/FINANCE";

- the Express Mail label (EL569017035US) bearing the hand-written date 7 21 00 as well as the stamp of the U.S. Postal Service, Chapel Hill, NC including the date "JUL 21 2000";
- the Submission of the Declaration and Power of Attorney and Assignment, bearing the Express Mail Certificate and Express Mail label number EL569017035US, and referring to the enclosed check for \$720, including the \$40 assignment recordation fee and the \$680 surcharge for delayed filing of the oath or declaration;
- the Declaration and Power of Attorney, Assignment, Assignment Recordation Cover Sheet and the Small Entity Statement enclosed with the Submission; and
- the undersigned attorney's firm's check (no. 07182) in the amount of \$720, bearing the memo "4121-115/RECORD & EXT. TIME FE" denoting the assignment recordation fee and the extension of time (37 CFR 1.136) fee.

Also enclosed for completeness is the Notification of Abandonment (FORM PCT/DO/EO/909) dated October 6, 2000.

It is certified by the undersigned attorney that each and every one of the enclosed documents is a true and exact copy of the original in the undersigned attorney's file, and that all documents were Express Mail filed in the U.S. Patent and Trademark Office on July 21, 2000.

This request for withdrawal of the Notice of Abandonment is submitted via facsimile consistent with the instructions of Anita Johnson on October 26, 2000, who stated that these documents would be processed for withdrawal of the Notice of Abandonment.

Respectfully submitted,



Steven J. Hultquist  
Registration No. 28,021  
Attorney for Applicants

INTELLECTUAL PROPERTY/  
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P.O. Box 14329  
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Tel: (919) 419-9350  
Fax: (919) 419-9354  
Attorney Ref.: 4121-115

**This confirms receipt of:**

**Submission of Declaration and Power of Attorney and Assignment in Response to February 23, 2000 Notification of Missing Requirements and IPTL Check No. 02182 in the amount of \$720.00.**

In re U.S. Patent Appl. of: KUPPER et al.  
Application No.: 09/446,808  
Date Filed: 23 December 1999  
Title:

**MAMMAL WITH INHIBITION OF THE POLY (ADP  
RIBOSE) POLYMERASE AND METHOD FOR USING  
SAME TO IDENTIFY CANCERIGENIC AGENTS**

Date Mailed: July 21, 2000  
Express Mail Label: EL569017035US  
Attorney Ref: 4121-115

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